

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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E [REDACTED] C [REDACTED] an infant by his mother and legal guardian,
CAROLYN CRUZ,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER JAMES
NIELSEN (Shield No. 20241), POLICE OFFICER JOHN
DOE,

Defendants.
----- x

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**STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

06 CV 8134 (AKH)(MHD)

WHEREAS, plaintiff Carolyn Cruz commenced this action on behalf of her son
[REDACTED] an infant, by filing a complaint on or about October 4, 2006 alleging violations of
certain of his federal and state rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's
allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation,
without further proceedings and without admitting any fault or liability; and

WHEREAS, plaintiff has authorized her counsel to settle this matter on the terms
set forth below:

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and
without costs, expenses, or fees except as provided for in paragraph "2"
below.

2. The City of New York hereby agrees to pay plaintiff the sum of TEN THOUSAND DOLLARS (\$10,000) in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all claims against the City of New York and all individually named defendants, and to release all defendants and any present or former employees or agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.
3. Plaintiff shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release and an Affidavit of No Liens on behalf of plaintiff [REDACTED] based on the terms of paragraph 2 above.
4. Settlement of this action is conditioned on compliance with the provisions set forth in Rule 83.2(a) of the Local Civil Rules of this Court ("Settlement of Actions by or on Behalf of Infants or Incompetents, Wrongful Death Actions, and Conscious Pain and Suffering Actions") and Rule 1207 et seq. of the Civil Practice Laws and Rules for the State of New York.
5. Nothing contained herein shall be deemed to be an admission by any of the defendant that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the

constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
January 4, 2007

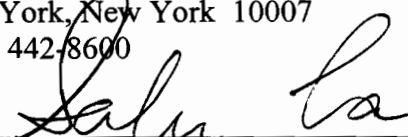
Richard Cardinale, Esq.
Cardinale & Marinelli
Attorney for Plaintiff
26 Court Street, Suite 1815
Brooklyn, NY 11242

By:



RICHARD CARDINALE, ESQ (RC)
8507

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 3-221
New York, New York 10007
(212) 442-8600

By:


SABRINA TANN (ST 2552)
Assistant Corporation Counsel

SO ORDERED:

1/9/07

United States District Judge